

**United States District Court**

**for the**

**Eastern District of Washington**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Robert H. Smith, III

Case Number: 2:07CR00103-001

Name of Sentencing Judicial Officer: The Honorable Fred Van Sickle, Senior U.S. District Judge

Date of Original Sentence: July 16, 2008

Type of Supervision: Supervised Release

Original Offense: Felon in Possession of a Firearm  
and Ammunition, 18 U.S.C. §§ 922(g)(1) and 924

Date Supervision Commenced: August 29, 2012

Original Sentence: Prison - 30 Months;  
TSR - 36 Months

Date Supervision Expires: February 28, 2015

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 19      You shall reside in a residential reentry center (RRC) for a period of up to 180 days. You shall abide by the rules and requirements of the facility and shall participate in programs offered by the facility at the direction of the supervising officer.

**CAUSE**

Mr. Smith has violated the terms of his supervised release by failing to report to his probation officer as directed and by failing to abstain from the use of illegal controlled substances.

Mr. Smith is currently homeless and is directed to report weekly to the undersigned officer, each Tuesday. Mr. Smith failed to report as directed on November 19, 2013, and failed to contact the undersigned officer regarding the reason for his absence. Mr. Smith has also tested positive for marijuana use. He submitted to urinalysis testing at the vendor site on November 20, 2013. That sample tested positive; however, Robert Smith denied use. The sample was sent to the toxicology laboratory for confirmation and was returned positive for marijuana use.

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**Re: Smith, Robert H.**

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Robert Smith has now tested positive for marijuana use on three occasions, and is being referred for a drug and alcohol assessment for possible treatment. The undersigned officer believes that without intervention, Mr. Smith will continue to decline. Placement at the RRC will provide Mr. Smith with the structure necessary for him to attend treatment, find employment, and apply for stable housing.

Respectfully submitted,

by s/Patrick J. Dennis

Patrick J Dennis  
U.S. Probation Officer  
Date: December 3, 2013

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THE COURT ORDERS

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other

s/ Fred Van Sickle

Signature of Judicial Officer

12/5/13

Date

# United States District Court

Eastern District of Washington

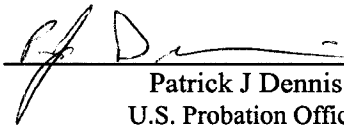
## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

Witness:

  
Patrick J Dennis  
U.S. Probation Officer

Signed:

  
Robert H. Smith  
Probationer or Supervised Releasee

12/3/13  
Date